# WASHINGTON

Programme of the Impeachment Trial.

Pecision of the Supreme Court in the Case of Mrs. General Gaines.

The Naval Appropriation Bill in the Senate.

WASHINGTON, April 6, 1868.

The Impeachment Trial.

Judge Curtis, one of the counsel for the President, cupy all day Thursday in the opening speech for the defence. He may be apt to occupy a portion of Friday also, as his argument will be very elaborate and exhaustive. When he concludes the testimony for the defence will be put forward, General Thomas ading off as principal witness. Mr. Stanton will n t be summoned as a witness, though it has been generally stated that he will. No regular arrange-ment of the witnesses has been decided upon. Those who are at hand, as General Sherman and Lewis D. Campbell, will very likely be examined on Fri-day. The rest of the witnesses, to the number of about a dozen, will be disposed of by Wednesday sek, unless the prosecution protract the time by equent objection and lengthy cross-examination One of the Managers will then sum up in the firs ance, to be followed by Messrs. Evarts and Stan bery, and the final closing argument will be de-livered by another of the Managers, possibly on Mon-

It is very generally conceded that the evidence in he impeachment trial is too weak to hold water. Pirst we have a mass of testimony endeavoring to prove a conspiracy between the President and General Thomas—testimony to show that cer-tain expressions were made use of by the atter on his own responsibility, for which the Presi-lent should be held accountable; and this was gravely dmitted by the court as matter worthy of considera tion and as upholding the case of the prosecution. Two high judicial authorities did not hesitate to say last evening that the Chief Justice was entirely wrong nitting the evidence which was put on the cord in the first part of last week. It would be for the threats any, of the thousand and one post-masters appointed by him might have made use of inst those they were directed to supersede, and thus prove conspiracy on the part of the Executive, and make use of their unconsidered language as eviwill be met by other documentary testimony which the defence feel confident will pull to pieces the

So far there is no case against the President, and great many Senators feel that such is the fact; but the pressure on the entire republican elemen of the Senate will become intense as the trial draws to a close, and, regardless of oath or evidence, it is ared the great disgrace will be perpetrated of re moving the head of the nation to accomplish a party purpose. This week and the week after letters will our in upon those Senators who are considered disposed to waver, and men will come to Washing from all parts of the country to urge their Senators to vote for conviction. Coaxing and bullying will be tried by turns, and no stone left unturned to try and insure a verdlet of gulty. It is needless to say there are certain republicans in the Senate to-day whom it will require extraordinary efforts to overcome and induce to vote against their convictions, and should ng of remorse follow that will embitter their

lives to the last moment they exist. The McCardle Case. The action of the United States Supreme Court in the McCardle case has been generally misunderd. The case was argued on the day originally fixed for it. The conference day is Saturday in each reek. The other working days have been fully occupied in hearing the argument of cases in regular or-der on the docket. On the first conference day after the argument the case was not reached, although the conference occupied all day. The next conference day Congress had already passed the act to repeal the jurisdiction in such cases, and was before the President. Gentle practitioners at the bar, without respect to politics, say, the court could not have anticipated lation, and if it had could not possibly have run a race with Congress; that it would have been would hardly have been consistent with the dignity of the court and the respect due to the other branches of President had either approved or vetoed the bill. On the reception of his veto, it was passed by the refor McCardle, moved to be heard upon the question of the effect of the law, the court, although it had several weeks before fixed Tuesday, the 31st of March, for the closing of the docket, agreed to hear argu-

The New Postal Arrangement with Italy. Official proclamation is made of the articles agreed apon between the Post Office Department of the United States and the postal administration of Italy. There is to be a regular exchange of closed mails, and for correspondence originating in either of those countries and destined for the other, as well as for to which the United States and Italy may respectively serve as intermediaries. The offices for the exchange of the mails on the part of the United States are in New York, and on the part of Italy in Susa, Camerlata and Arona, which are travelling offices.

ment in the case on Wednesday, the 1st of April

Of that, however, the counsel did not take notice,

not having appeared in court until after the subject

The March report of the statistician of the Department of Agriculture includes several tables relative to farm animals. The returns of the numbers and prices of livestock show a slight increase during the year in horses, mules, cattle and milch cows, and a decrease in sheep. The New England States exhibit a decrease of from six to thirteen per cent in swine; the Southern States from five to twenty-five per cent, except Arkansas and Tennessee, which give an increase of twenty-three and twelve per cent respectively; Ohio, Illinois and Wisconsin shower slight decrease; Indiana and Michigan no ma terial change, and Iowa, Missouri, Kansas, Nebraska an increase. A diminution in numbers of sheep is noticed in every State except New Jersey, Arkansas, nessee, West Virginia, Missouri, Wisconsin, Iowa

The decrease in prices is more marked than in numbers, amounting in many States to a reduction of thirty or forty per cent. The aggregate decrease is not less than thirty-five millions of dollars, avereging nearly a dollar a head.

A reduction is noticed in prices of horses and mules in every section of the country in comparison with those of last year. The decline is more apparent in the Southern States than elsewhere, owing to the gloomy state of feeling in the cotton section

where the returns were made. The price of cattle is reported higher than last year in many of the States, with the exception of milch cows, which have very generally decreased in value. The March report also contains a continuation of the special statistics of the several States, including in this number the States of Texas, Mississippi, Ten-

nessee, Kentucky and West Virginia. Suffering Among the Indians.

The Secretary of the Interior sent a communica-Senate to-day, showing that one of the

tribes of Indians, more than five thousand in num-ber, is in a suffering condition and recommending Regulation of Fare and Freights on the Pacific

Railroad. The House Committee on the Pacific Railroad having taken into consideration the bill introduced some time since by Mr. Washburne, of Wisconsin, in relation to the establishment of a board for the regulation of rates of transportation and pas-

senger travel over the Pacific roads now building, have determined to report favorably. The Board, if the report of the committee be adopted by the House, will consist of the Secretary of War, Secretary of the Interior, Attorney General and two railroad men, to be appointed by the President.

The Union Pacific Railroad.

Information has been received that twenty miles more of the Union Pacific Railway, Kansas branch, are finished and waiting for inspection. The road is now completed sixty-six miles west of Fort Hayes and daily passenger trains are running to the end of the track.

The Kansas Pacific Railroad. Lieutenant General Sherman was before the House and Senate Pacific Railroad Committee to-day and made a statement showing the large sums which could be saved to the government by the construction of the Kansas Pacific Railroad.

By a royal decree of the 17th of March last, notice of which has been received at the Department of State in a despatch from the United States Consul at Barceiona, Spain, the Spanish government has re-leased all duties on foreign wheat and flour under

Accident on the Potomac-Thirteen Negroe Drowned.

A Washington despatch to the Evening Telegram says a terrible accident occurred at Arkandale fish ing shore, on the Potomac river, about four mile above Aquia Creek, early yesterday morning, which resulted in the drowning of thirteen colored men. A party of colored men were employed at this place in fishing with seines. Yesterday morning a boat containing eighteen men went out to the middle of the river to set the seine. A strong gale was blowing at the time and the river was exceedingly rough. Having adjusted the net, the lookout boat put off from the shore, took five men from the same boat and carried them to the shore, after which the lookout boat started for five more of the men. It was deemed prudent that but five men smallness of the boat and the roughness of the river. When the small boat reached the in the latter, feeling very cold and not agreeing among themselves as to which of them should go over at that trip, all leaped into the lookout boat together and swamped it. All of the men, thirteen in number, were immediately drowned. The men who perished were all residents of this city, and most of them leave families. The following are their names:—George Thompson, Jeff. Buller, Jos. Bullger, John Fitzhugh, Robert Holland, William Ware, James Thompson, John Mason, Cornelius Clayton, James Thomas, James Bell, Lewis Magruder and

When the Aquia Creek steamer reached the place of the disaster this morning boats were dragging for the bodies, but up to that time none had been recovered.

SPECIAL CORRESPONDENCE OF THE HERALD.

ulations in Anticipation of Ben Wade Succession to the Presidency-The Radicals Divided on a Question of the Relations of a Senator to the National Government—The Law of 1792—Mr. Churchill's Bill-Impeachment Interfering with the Arrangements for the Chleago Convention-Prospects of a Recess After the End of the Impeachment Trial.

WASHINGTON, April 5, 1808.

of the President, a variety of speculations engross the attention of the prominent men of both political parties as to the effect which the promotion of Ben Wade to the office of acting President of the United as the democrats assume an attitude adverse to the Legislature of Ohio prolonging the duration of their session in order to head off the appointment, in case such should be the determination of the radical ele-ment, of a Senator by the Governor of Ohio to fill the vacancy which would be created by the transfer of

Mr. Wade to another field of duty.

The radicals assume, in the first place, the right to clause in the constitution which says that "in case of the removal of the President from office, or of his death resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death or resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability shall be removed or a President shall be elected." The law of March 1, 1792, under the authority of the above provision of the constitution, designated the President of the Senate pro tempore and next the Speaker of the House of Representatives to assume the functions of the Executive as acting President until "the disability shall be removed or a President shall be elected." A long and fively controversy took place when this law was enacted, the opponents of the measure as finally adopted taking the grounds that the successor to the Presidential office should be an officer of the government whose term was of equal duration with that of President, and therefore urged the Secretary of State. The Chief Justice was also spoken off, but representing a distinct department of the government it was thought prudent, under no circumstances, to unite the judiciary and the

spoken oif, but representing a distinct department of the government it was thought prudent, under no circumstances, to unite the judiciary and the executive.

The law as it now stands, in event of the success of the impeachment, gives the vacant Executive chair of the nation to the President of the Senate pro tempore, now personated by Ben Wade. But Ben being also a Senator, the question arises can he hold the two offices of Senator and President at the same time. The radicals themselves are divided on this point. Some of the friends of Wade argue that he can be Senator and acting President at the same time. They quote that portion of the constitution which says "no Senator or Representative shail, during the time for which he was elected, be appointed to any civil office under the authority of the United States," but a succession of the President of the Senate pro tempore is not an appointment to "a civil office under the authority of the United States," but a succession, ex officio. It is also claimed, and in this theory the democrats accord, that a Senator is not an officer "under the authority of the United States," but a succession, ex officio, It is also claimed, and in this theory the democrats accord, that a Senator is not an officer "under the State by the Legislature of which he was elected and by the authority of which he holds his credentials. In other words, a Senator is nothing more than an ambassador at the federal court to promote the interest of his State particularly and the federation of States generally as a bond of union for the common prosperity and common defence. Upon both these grounds it is declared that Mr. Wade will not, as President of the Senate pro tempore, be under any obligations to resign, and can hold both offices without violation of the constitution.

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that Mr. Wade will not, as President of the Senate pro tempore, be under any obligations to resign, and can hold both offices without violation of the constitution.

Ben Wade takes the view that he will be obliged to resign, but his friends do not agree to this. They put the case in another light. They say, suppose Mr. Wade's term of office, instead of terminating in 1889, should continue two years longer, for instance, until 1871. According to their view he succeeds to the office by virtue of his office as President of the Senate protempore. Now, if he retires from the office of Senator, by virtue of which he is President of the Senate protempore, he ceases to be ezt officio acting President of the United States, for bolding the one office by reason of the other, he ceases to be either by withdrawing from the first. In regard to his term extending beyond the expiration of the Presidential administration, it is further asserted Mr. Wade will resume his functions as Senator, and during his performance of the duties of acting President he ceases to have any of those powers of a Senator, and therefore during the time that he is acting as the executive officer of the government Ohio is without her full representation in the Senate. Some parties endeavor to explain the case by quoting the exercise of the office of general by a colonel merely acting in command of a brigade by virtue of a vacancy in the grade of general by a colonel merely acting in command over his regiment, but as soon as the vacancy in the higher grade is filled he returns to his subordinate command. The other side do not recognize the analogy of the two cases, as in the case of a military officer his line of duty, whatever may be its rank, lies in the same arm of the service; but in the case of Mr. Wade it is transferring an officer from one branch of the government to another. But further, the advocates of the latter theory repeat that Mr. Wade is virtually without any Senatorial powers as long as acting President; but as soon as the senate pro t

vacant, by some unexpected circumstance, the President of the Senate pro tempore last elected, it is said, would succeed. This practically places under this construction the succession to the acting Presidency entirely in the Senate, and it is said cuts off the succession of the Speaker of the House of Representatives as provided by law.

It is now very generally admitted that this question, so full of doubt, requires and will lead to some further legislation amendatory and explanatory of the law of 1792. The radicals are determined that Ben Wade shall not resign if the Legislature of Ohio, which is democratic, persists in protracting its session in anticipation of chosing a successor to Ben Wade in case of his resignation. From all appearances the solution of the question either way will depend upon the prospects of a radical successor.

It is understood here that the choice of the Legislature of Ohio centres principally upon Mr. Jewett as the successor of Mr. Wade in event of a vacancy, as a reward for the lively contest he made in the late gubernatorial campaign. Several prominent names are mentioned in connection with the filling of the vacancy if left to the Governor. Robert C. Schenck appears to be the strongest, on account of his close race against John Sherman, the now junior Senator from Ohio.

John A. Bingham, the chairman of the Board of Managers of the House of Representatives in the lim-

m Ohio.

ohin A. Bingham, the chairman of the Board of nagers of the House of Representatives in the imchinent trial, stands also a good chance, and by ac, in view of his prominence in the prosecution the trial, it is thought these considerations will prop Schenck, notwithstanding his personal

least, Ben Eggleston has a strong pressure at work in anticipation of the success of impeachment. Ben Eggleston belongs to the Ben Wade school, and it is said by many that he would make an admirable successor to Old Ben, Sr., in every respect.

But with all the doubts that have sprung up as to

said by many that he would make an admirable successor to old Ben, Sr., in every respect.

But with all the doubts that have sprung up as to the effect of the succession of a Senator to the Executive upon the Senatorial office of the incumbent, the radicals are further exercised as to whether it will be necessary under the existing law to hold an election for a President to fill the unexpired term of the present administration (if) and also a President to serve for the next regular term of four years. Mr. Churchill's bill amendatory to the present law is designed to overcome these doubts. It provides that whenever the office of President and Vice President shall both become vacant "more than eighteen months before the expiration of the term for which they were elected" the Secretary of State shall take measures to hold another election, which shall take place "in the several States on the Tuesday next after the first Monday in the month of November next ensuing." The persons elected are also to hold for the term of four years. This breaks up the present system of quadrennial elections to fill regular terms of office, so that the duration of an administration to its full term will depend upon the lives of the President and Vice President. The friends of Ben Wade are satisfied with the arrangement, as it will not affect his succession (if for the unexpired term. The democrats also favor the bill on the grounds that the law hitherto has been very unsatisfactory and covered with many uncertainties. This bill, while it allays all doubts as to whether an election will be necessary for the unexpired term. The democrats also favor the bill on the grounds that the law hitherto has been very unsatisfactory and covered with many uncertainties. This bill, while it allays all doubts as to whether an election will be necessary for the unexpired term, gives Ben Wade a fair show for some part in the nomination at Chicago in the present spring. Every delay in the impeachment trial occasions the greatest concern among the wire p

The way matters now stand the Senators Ben The way matters now stand the Senators, Ben Wade among the rest, are compelled to remain here tied down to the serious question of life or death to the political success of the radicals in the coming fall campaign, the impeachment of Andrew Johnson. While their high mightinesses of the High Court are being bored by dull questions of law and evidence, nearly three-tourths of the members of the House of Representatives have gone to to their homes to make some arrangements in view of their own renominations, and at the same time to set their own renominations, and at the same time to set their friends right on the Presidential question. This state of things is not meeting with the pleasure of the Senators, as they consider their own presence necessary to overlook the marshalling of the State defegations preparatory to the grand rendezvous at Chicago.

chicago.

It is now talked of consummating the impeachment trial one way or the other as quickly as possible, and then taking a recess until after the Chicago Convention. This course, it is to be hoped, will all low Senators and members a week or two among their constituents to make whatever arrangements they may have in view to serve the interest of their choice for the radical nominations. The approach of the radical convention and the impeachment trial, necessary to be consummated, do not work well together. The uncertainty which involves the latter aircady gives rise to complaint that the convention was not put off until a later date. The radicals are evidently in a bad fix.

## THE FORTIETH CONGRESS.

Second Session.

WASHINGTON, April 6, 1868. THE MINNESOTA LEGISLATURE AND THE IMPRACH-

MENT.

The CHAIR laid before the Senate resolutions of the Legislature of the State of Minnesota endorsing the on of Congress in regard to the impeachment,

which was laid on the table. IMPROVEMENT OF THE MISSISSIPPI RIVER. Mr. RAMSEY, (rep.) of Minn., presented resoluti of the same Legislature in favor of the improvement of the Mississippi river, recommended by General Warren and others. Referred to the Committee on Commerce.

PETITIONS, ETC. Mr. Pessendes, (rep.) of Me., presented a petition from the officers of the navy asking increased pay. Referred to the Committee on Finance.

Mr. Cole, (rep.) of Cal., presented a petition of the citizens of California asking aid to the Southern Pa-cific Railroad. Referred to the Committee on the Pa-

cific Railroad. Referred to the Committee on the Pacific Railroad.

Mr. Sumer, (rep.) of Mass., presented a memorial of Isaac F. Fulton, of Massachusetts, setting forth that the Post Office authorities ignore a certain postal law. Referred to the Committee on Post Offices and Post Office Routes.

BRANCH MIST AT CARSON CITY.

Mr. NYE, (rep.) of Nevada, introduced a bill for the completion of the branch mint at Carson City, Nevada. Referred to the Committee on Appropriations.

REMOVAL OF DISABILITIES.

Mr. WILSON, rep.) of Mass., introduced a bill to refleve political disabilities of certain citizens of Georgia, which was referred to the Judiciary Committee.

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PROSECUTION OF APPEAS AND WRITS OF ERROR—EXPLORATION OF THE COLORADO RIVER.

Mr. TRUMBULL, (rep.) of Ill., introduced a bill extending the provisions of the act of February 21, 1803, which allows the United States to prosecute appeals without giving security, to allow writs of error, appeals or other process in law, admiralty or equity, issuing from or brought up in a Circuit Court of the United States to be piaced on the calendar.

Also a joint resolution directing the Secretary of War to issue such quartermaster stores to the expedition engaged in the exploration of the river Colorado, under the direction of Professor Powell, as may be necessary to enable the commission to proceemte its work, which was referred to the Committee on Naval Affairs.

SECRETARY STANTON CALLED UPON FOR INFORMATION.

Mr. FRUITING (CEN.) of Vt. offered a resolution

on Naval Analis.

SECRETARY STANTON CALLED UPON FOR INFORMATION.

Mr. EDMENDS, (rep.) of Vt., offered a resolution asking the Secretary of War to inform the Senate what was they ractice in respect to the settlement of public accounts and the issue of requisitions therefor by the Secretary of War upon the Treasury prior to the passage of the late act respecting the prompt settlement of public accounts, and whether any defects exist under the present law in that respect.

Mr. Fessenden, (rep.) of Me., called up the joint resolution to anthorize the Secretary of State to adjust certain claims and direct the payment thereof, it directs the payment out of the indemnity received from the Japanese government of a certain amount for the damages sustained by the steamer Monitor at the hands of the Japanese forts.

Some discussion ensued, some Senators holding that the owners of other vessels had equally meritorious claims, but the resolution passed without amendment.

REFUNDING DUTIES.

rious claims, but the resolution passed without aniendment.

Mr. Sherman, (rep.) of Ohio, called up the bill to refund the duties paid under protest in 1867 on the bell imported from France and donated for the use of St. Mary's Institute and Notre Dame University at Indiana. After a half-hour's discussion on the principle involved, several opposing the establishment of the proceeding, the bill was passed.

The Chain then stated that the special order was to be the resolution to admit to a seat on the floor the reporter of the Associated Press.

By the consent of Mr. Anthony, and at the suggestion of Mr. Morrill. (rep.) of Me., the resolution was temporarily laid asside, and The NAVAL APPROPRIATION BILL.

was taken up. The question was on the amendment providing for the enlistment of 1,200 apprentices and boys, exclusive of the 8,500 able seamen now authorized.

Mr. Conkling, (rep.) of N. Y., said that he had

tices and boys, exclusive of the 8,500 able scamen now authorized.

Mr. CONKLING, (rep.) of N. Y., said that he had made an investigation since the subject was last under consideration, and had ascertained that instead of 8,500 men, as it was claimed by the chairman of the committee there had been in the navy before the war, there were in 1850 7,600 and in 1800 7,600. It had been impossible to get at what the number of boys had been; but he had been assured that it had not been as large as stated. He advocated restricting the number as provided originally in the bill—that the 8,500 be made to include apprentices and boys.

Mr. Grims, (rep.) of lows, quoted from the act of March 3, 1857, "authorizing the Secretary of the Navy to enlist 8,500 segmen," and stated that since the passage of the act of 1809 there had been no limit to

thereby rendered necessary.

Mr. Grimes held that the amendment of the committee simply increased the number of the force of the navy five hundred and ninety-six under the Apprentice law.

The amendment of the committee was agreed to.

Mr. Conkling moved to amend by making the number, exclusive of apprentices and boys, seven thousand five hundred instead of eight thousand five hundred.

thousand dive hundred instead of eight thousand five hundred.

Mr. Sherman was of opinion that men thus employed added as much to the effectiveness of the service as an equal number added to sailing vessels. He was in favor of testing the practicability of reducing the navy. If seven thousand six hundred maintained the honor of the navy before the war eight thousand five hundred should be enough now.

Mr. Corbett, (rep.) of Oregon, took the same view.

Mr. Grimts pointed out that our extended commerce required more effectiveness in the navy.

After further discussion the machinent of Mr. Conkling was agreed to—23 to 20.

On motion of Mr. Morrill, of Me., an amendment allowing three instead of two watchmen at the Naval Observatory, and one increasing from \$22,000 to \$60,000 the appropriation for pay of civil establishment under the Rureau of Medicine and Surgery at the several navy hospitals and yards were adopted.

Mr. Sherman offered the following as an additional section,—

section.—

That all unexpended balances existing on the lat of July next, under any of these several heads of appropriations provided for in this act, shall be carried to the surplus fund, unless the same is necessary to pay expenditures made during the fixed year, or unless the same is necessary to execute contracts made before said date.

tracts made before said date.

Mr. Conness, (rep.) of Cal., opposed the amendment, saying he had been informed by the Secretary of War that with this provision in the Army Appropriation bill it would be impossible to carry on that department.

Mr. Shrrman had heard that bugaboo before. There was not the slightest weight in it. He considered it necessary that Congress should relain control over these balances, so that no money can be drawn from the Treasury unless in pursuance of law; and he thought it unwise to leave such a discretion in the hands of the head of any department, the provision not commencing until the lat of July next, when the next annual appropriation comes in. He pointed out that they could commence with a new balance sheet.

provision not commencing until the 1st of July next, when the mext annual appropriation comes in. He pointed out that they could commence with a new balance sheet.

Mr. Transull. was in favor of the proposition, but thought it should be provided in a separate bill. Mr. Fessenders had not sufficient information to warrant him in voting for the amendment, while he was perfectly willing that the large war balances shall be carried into the Treasury; but he said that expenditures made for a year cannot be expended within that year; that contracts would be made or debts incurred which could not be seen, and therefore the amendment would be of no practical value. He thought it would be unsafe without consultation with the heads of the departments.

Mr. Grimes read a letter received by him from the Secretary of the Navy, expressing the opinion that great confusion in the accounts of the department would result from such a provision, as well as the employment of more clerks in the Anditor's office, and that trouble would be experienced in the payment of near returning from a long cruise.

Mr. Shemans replied that the accounts in such cases were carried forward from year to year, and thought no frouble would come from that source.

More debate followed, whereupon the amendment was agreed to.

Mr. Sheman offered another amendment directing the Secretary of the Treasury; in his next annual report, to state all the balances of appropriations made during the present session for each branch of the public service and remaining unexpended on the last of July next, showing also the amounts necessary to execute confracts or pay expenditures on free bill then passed in Committee of the Whole, and, being before the Senate, Mr. Howe, (rep.) of Wie, asked a separate vote on the amendment increasing the appropriation for the civil establishment of naval hospitals, which, after discussion, was agreed to.

Mr. Drake, (rep.) of Mo., asked a separate vote on

ment of naval hospitals, which, after discussion, was agreed to.

Mr. Drake, (rep.) of Mo., asked a separate vote on Mr. Conking's amendment reducing the number of seamen from 8,500 to 7,500.

Mr. Hendricks, (dem.) of Ind., asked upon what information this change had been made, and condemned such legislation in the face of the unanimous opinion of the Naval Committee.

Mr. Conkling said the House having passed a bill which cut down the men in the navy 250 below the number at which they are fixed in the bill, now, he thought, in view of the facts shown in regard to the number before the war, &c., and which he again recounted, that they had not acted upon insufficient information.

counted, that they had not formation.

After further debate, without action on the amandment, on motion of Mr. RAMSEY, at five o'clock the Senate adjourned.

## UNITED STATES SUPREME COURT.

Important Decision in the Case of Mrs. Gainer Against the City of New Orleans-Mrs. Gaines Successful.

WASHINGTON, April 6, 1868. In the Supreme Court of the United States to-day Associate Justice Davis delivered the opinion in the case of Mrs. Gaines, the daughter of Daniel Clarke. the material points in the case had been decided in Gaines against Hennon, but as it had recently been argued the court had taken up the whole subject and reviewed it on its merits both as to the law and the facts. He then proceeded to examine, first, the question of the legitimacy of Mrs. Gaines and the facts on the record concerning it; and, second, the marriage of Zulima Carriere with Daniel Clarke, and came to a conclusion in favor of Mrs. Gaines on these points. He next considered the other question of law and fact, including the alleged copartnership between Clarke, Chew and Relfe; the alleged insolvency of Clarke; the alleged validity of sales by Chew and Relfe, as executors of Clarke; the objection of prescription and of all other technical objections, and decided each one in favor of Mrs. Gaines. The court expressly said that it considered this decision as a conclusive and final dispo-sition of the whole matter. The will of Daniel Clarke, of 1813, as probated in the proper court of Louisiana, was binding in the Supreme Court. If there was any objection to that act of the probate court it should have been made at the proper time by proceedings before the same court in Louisiana, which not having been made the decision is presumed to be free from any good cause of objection there as it necessarily is in the Supreme Court of the United States. The suit in the present case was for property dis-posed of by the executors of Daniel Clarke under pretended authority of the previous will of 1811, which the court decided to be a nullity, and said the purchasers must take the consequences. This case was argued by General Cushing for Mrs. Gaines, and by Miles Taylor and M. McConnell for the city of New Orleans. Two other cases involving the same principles were also decided to-day in favor of Mrs. Gaines. The matter has been in controversy thirty years. Associate Justice Davis expressed the opinion of himself, Chief Justice Chase and Associate Justices Nelson, Cufford and Field. It was dissented from by Assocrate Justices Brien, Swain and Miller.

Application for Relief.
In the Supreme Court to-day, near the conclusion of the proceedings, General W. G. M. Davis read a petition from Hamilton Martin and William E. Gill, Florida, confined in damp and unhealthy quarters, and that thereby their health has been impaired. They pray that their condition may be pailiated by this court; that there may be a revision of the proceedings of the court below; that been able to procure counsel in their case, &c.; that in view of these and other facts they pray a writ of habeas corpus may be granted, and that the court will direct the competent jurisdiction to bring the petitioners at a day certain, during the present term, before the court, in order that the cause of their imprisonment may be shown, and that a writ of certific rari may be sent to the Circuit Court so that a record of the full proceedings in the case may be furnished and the petitioners may be heard by counsel and delivered from imprisonment.

General Davis said he had drawn up the amdavit, stating all the facts to the best of his knowledge and belief. He was under some embarassment, having

n informed that this court had announced its de-mination to adjourn to-day until the next term. It would be a long time for a decision. he court said it could not do otherwise, the busi-s of the present term having been transacted and time of adjournment fixed. eneral Davis replied he had not found anywhere instance where a writ of habeas corpus had been med that there was a waiting of five or six at this from the time the writ was granted for its urn.

General Davis asked the court whether it could take proceedings to ameliorate the condition of the petitioners in prison. The court said that was for

take proceedings to ameliorate the condition of the petitioners in prison. The court said that was for the Marshal.

Mr. Ashton, on behalf of the United States, and at the request of the Acting Attorney General, suggested that it was not a question of jurisdiction for this court to issue a writ of habeas corpus after an incidentent had been found, as in this case. The precedents show that all the writs of habeas corpus issued by this court were before the indictment of the parties. The question was to be decided on demurrer to the indictment in the Circuit Court or in the arrest of judgment after conviction.

The Court said it did not want to hear argument, and then granted a writ of habeas corpus and of certiorarl, returnable on the first day of the next term, and an order that meantime all proceedings be stayed. The petitioners in this case were indicted in a federal court for the murder of a freedman, and they hold that the State court alone can take jurisdiction of the subject.

Cotton Cases Decided.

Cotton Cases Decided.

The Supreme Court this morning affirmed the decrees of the District Court of the United States for the Southern district of Illinois in the cases of the claims of Le More & Co., Wittenburg & Doyle and Grieff & Zunts for 935 bales of cotton captured by Porter's fleet on the Wochita river, Louistans, in April, 1864, and dismissed all the claims. The opinion of the court was read by Mr. Justice Swayne, who based the decision of the court exclusively on the Non-intercourse act of July 13, 1861. The court says prohibition was the rule and license the exception, and that military permits were void.

Decisions.

The following opinions were rendered in the court adjourned until the first Monday in December

No. 149. White vs. Cameron—Judgment affirmed.
Opinion by Mr. Justice Field.
No. 100. Stark et al. vs. Starr—Judgment reversed.
Opinion by Mr. Justice Field.
No. 104. Crawford vs. Addison—Judgment reversed.
Opinion by Mr. Justice Field.
No. 99. Abbott et al. vs. DuBois—Judgment affirmed.
Opinion by Mr. Justice Clifford.
No. 86. Williamson vs. Suydam—Judgment affirmed.
Opinion by Mr. Justice Clifford.
No. 82. Gaines vs. City of New Orleans—Judgment reversed. Opinion by Mr. Justice Davis—Justices Swayne, Miller and Grier dissenting.
No. 115. United States vs. Gillen, executor, &c.—Judgment reversed. Opinion by Mr. Justice Miler.
No. 116. Clark vs. United States—Judgment reversed. Opinion by Mr. Justice Miler.
Nos. 8 and 82. Gaines vs. De La Croix and Same vs. Lizardi—Judgments reversed. Opinions by Mr. Justice Davis.
No. 110. Hanger vs. Abbott et al.—Judgment af-

No. 3 and 52. Games vs. De La Crofx and Same vs. Itzardi—Judgments reversed. Opinions by Mr. Justice Davis.

No. 110. Hanger vs. Abbott et al.—Judgment affirmed. Opinion by Mr. Justice Clifford.

No. 110. Gibert et al. vs. United States—Judgment affirmed. Opinion by Mr. Justice Miller.

No. 24. Ætna Insurance Company vs. Stoddard—Judgment affirmed. Opinion by Mr. Justice Miller.

Nos. 107, 112 and 246. Le More vs. United States, Wittenburg vs. United States and Grieff vs. United States—Cotton cases. Decrees affirmed. Opinion by Mr. Justice Swayne.

No. 142. Avery & Co. vs. Smith—Judgment affirmed. Opinion by Mr. Justice Miller.

No. 93. United States ex rel. Mores vs. City Council of Keokuk—Judgment reserved. Opinion by Mr. Justice Clifford.

Justice Clifford.

No. 93. United States ex rel. Thompson vs. Same-

No. 93. United States ex rel. Thompson vs. Same—
Same judgment. Opinion by Mr. Justice Citiford.
No. 114. United States vs. Olive—Judgment reversed. Opinion by Mr. Justice Nelson.
No. 118. Walkley vs. Mayor &c., of Muscatine—
Judgment affirmed. Opinion by Mr. Justice Nelson.
No. 128. Smith vs. Cockrill—Judgment affirmed.
Opinion by Mr. Justice Nelson.
No. 129. Steamship James Battle vs. United States—
Judgment affirmed. Opinion by Mr. Justice Nelson.
No. 178. Chicago Ralirond Company vs. Bour—
Judgment affirmed. Opinion by Mr. Justice Nelson.
No. 125. Gordon et al. vs. United States—Judgment
affirmed. Opinion by Mr. Justice Grier.
No. 434. Ordered to be reinstated on payment of
costs.

No. 186. Dismissed with costs. Nos. 149 and 187. Continued. No. 66. Dismissed, each party paying his own costs for stip. Jation.

### THE PUBLIC DEBT.

The April Statement Compared with That of the Corresponding Month of Last Year and with the March Statement of 1868. The following statement of the public debt on the

ist of April has just been issued from the Treasury Department. We compare the figures with the statement made at the corresponding time last

- DEBT BRARING	COIN INTERE	ST.
Five per cent bonds Six per cent b'ds, '67, '68 Six per cent bonds of '81 Six per cent 5-20 bonds. Navy pension fund	April 1, 1867. \$198,091,350 15,482,641 283,745,690 989,562,000 12,500,000	April 1, 1868. \$214,464,450 8,903,641 283,677,150 1,424,405,600 18,000,000
Total bearing coin int.\$		\$1,944,440,841
DEBT BEARING CU		
Six per cent bonds	\$12,922,000	\$23,582,000
Three per cent certific'tes	_	26,290,000
Three year com. in. notes	139,028,630	46,010,530
Three year 7.30 notes	582,330,150	185,884,100
Total bearing cur'ey in.	\$734,280,780	\$281,766,630
Matured, not paid	\$12,825,658	\$9,036,383
DEST BEARING	NO INTERES	T.
United States notes	\$375,417,249	\$356,144,727
Fractional currency	29,217,495	32,588,689
Gold certificates	12,590,600	17,742,060
Total bearing no int	\$417,225,344	\$406,475,476

Total debt.....\$2,663,713,574 \$2,641,719,532 Coin.....\$105,956,477 Currency......\$4,323,823 \$89,279,617 Total in Treasury..... \$140,285,303 \$122,509,645 Debt less cash in Treas'y,\$2,523,428,070 \$2,519,209,687

Decrease of the national debt since April 1, 1867..... \$4,218,383 VARIATIONS FROM LAST YEAR. Debt bearing coin inter't \$415,039,250
Debt bearing currency in
Debt bearing no interest.
Matured debt not paid. Decrease.

The following table compares the April statement of the public debt with the previous one, made on the

1st of March:-DEBT BEARING COIN INTEREST. | DEBT BEARING COIN INTEREST. | March 1, 1868. | April 1, 1868. | Five per cent bonds. . . . \$212,784,409 | \$214,494,450 | Six per cent bonds of 'S1 | 28,9676,609 | 283,677,150 | Six per cent 5-20 bonds | 1,407,321,809 | 1,424,405,600 | 13,000,000 | 13,000,000 | Total bearing coin int. \$1,920,160,991 \$1,944,440,841 DEBT ERARING CURRENCY INTEREST.

Six per cent bonds..... \$22,470,009 \$23,582,000

Three year com. in. notes 45,244,789 46,010,530

Three year 7-50 notes... 202,951,109 185,884,109

Three per cent certifica's 26,535,000 26,290,000 Total bearing cur. in.. \$297,250,889 \$281,786,630 \$9,036,353 \$356,144,727

32,558,689 17,742,060 Total bearing no int ... \$414,165,054 \$406,475,476 Debt bearing coin int....\$1,925,160,991
Debt bearing currey int. 207,250,880
Debt bearing no int..... 41,4165,094
Matured debt not paid... 10,630,153 \$2,641,719,302

\$122,509,615 Debt less cash in Trea'y, \$2.510,829,622 Decrease of the national debt since March 1, 1868. \$2,519,209,687 VARIATIONS FROM LAST MONTH. Debt bearing coin int... fix.279,850
Debt bearing cur'ey int.
Debt bearing no interest.
Matured debt not paid.. Decrease. \$16,484,250

The debt of the United States, less cash in the Treasury, was as annexed at the undermentioned dates:dates:—

March 4, 1661...\$66,180,855

May 1, 1867...\$2,520,786,096

July 1, 1861....\$8,498,670

June 1, 1867...2,515,618,937

July 1, 1862....862,921,404

July 1, 1864...1,21,847,904

Aug. 1, 1867...2,511,366,425

July 31, 1866...2,716,351,536

July 31, 1866...2,716,351,536

July 31, 1866...2,716,351,536

Nov. 1, 1866...2,633,699,276

Dec. 1, 1867...2,492,777,446

Jan. 1, 1867...2,530,763,751

Feb. 1, 1867...2,543,349,748

March 1, 1867...2,543,349,748

March 1, 1868...2,623,428,070

# THE STATE CAPITAL

Democratic and Republican Caucus Nomini tions for Superintendent of Public Instru

The democratic members of the Legislature met in caucus in the Assembly chamber to-night for the purpose of nominating a candidate for Superintendent of Public Instruction. John C. Jacobs was chosen chairman, and Cornelius W. Armstrong secretary. An informal ballor was held with the following result:—Abram B. Weaver, 42; George R. Perkins, 9; Darius A. Ogden, 6; Jacob S. Tweed, 11; Weaver was made unanimous, and the

of Public Instruction, Mr. W. J. Humphrey presided. and Mr. H. F. Tarbox acted as secretary. Victor M Rice was unanimously nominated and the cauch adjourned.

#### NEW YORK LEGISLATURE.

ALBANY, April 6, 1868. VETO OF THE APPROPRIATION BILL TO WHITEHALL AND PLATTSBURG RAILROAD.

At the opening of the Senate to-night a messa was received from Governor Fenton vetoing the bill

AND PLATTSBURG RAILROAD.

At the opening of the Senate to-night a message was received from Governor Fenton veroing the bill appropriating \$250,000 in aid of the Whitehall and Plattsburg Railroad. The Governor says:—

It is apparent that there is no immediate use for the funds provided for in this bill, and it may well be supposed, both from the condition of the work and the terms of the present bill, that an appropriation if expedient at any time would be in ample season at the next meeting of the Legislature. It may be observed that an evil of this kind of legislation is that its facility tends to invite and encourage renewed applications when commensurate appeals would enfist private capital. It will be seen also that every district of the Stateputs in a claim for aid from the public treasury, and with the same arguments and apparent earnestness. For example, at the present session there are before one or the other Houses of the Legislature, in more or less advanced stages, bills for the Albany and Susquehanna Railroad, granting \$250,000; for the Buffalo and Washington Railroad, granting \$250,000; New, York Northern Railroad, granting \$250,000; New, York Northern Railroad, granting \$500,000; New, York Northern Railroad, granting \$500,000; New York Northern Railroad, granting \$500,000; New York Northern Railroad, granting \$600, say for forty miles, \$200,000; Midland Railroad \$5,000, say for forty miles, \$200,000; Midland Railroad \$5,000, say for forty miles, \$200,000. The vast sums given by these appropriations to such objects might well excite grave attention and uncashness in periods of entire freedom from debt and great prosperity; but in our present condition it cannot fall to create profound distrust and alarm. I have observed with much concern the aggregates involved in the various propositions referred to. It must have exceed to the actention of all that during the past year the people have been more restive under the burden of taxation than at any previous period since the close of the war. Business h

The message was tabled on motion of Mr. Hall, and the Senate adjourned.

### ASSEMBLY.

ALBANY, April 6, 1868.

BILLS ADVANCED TO A THIRD READING. Appropriating \$250,000 to aid in the construction of the Rondont and Oswego Railroad, when said company shall have expended \$2,000,660; appropriating \$12,000 per mile for the first fifty miles of the ating \$12,000 per mile for the first fifty miles of the New York and Northern Railroad, constructed and running north from Schenectady through the Widerness; to facilitate the construction of the Utica and Chenango Valley Railroad; granting State aid to the Midland Railroad, appropriating \$5,000 per mile for the route between Sidney Plains, belaware county, and the southern boundary line of Sullivan county; to provide for laying pneumatic tubes under the North and East rivers for the transmission of letters and packages; to facilitate the acquisition of real estate by the Dutchess and Colambia Railroad Company, and to change the northern terminus of said road; to amend the charter of a railroad from Pomphicensie to some point on the Connecticut. said road; to amend the charter of a railroad from Poughteepsie to some point on the Connecticut State line; to authorize the construction of street railroads in Newburg city; for the relief of soldiers of the war of 1812; incorporating the Oswego Board of Trade; to reduce the fare on the Sinth avenue railroad to five cents for any distance travelled; to incorporate the Cheisea Savings Bank, New York; relative to cleaning and improving the streets of New York, and concerning the deposits of the city funds; to provide for the construction and maintenance of certain piers in New York from Thirteenth street to Hammond street, on the North river, at the foot of each and every street; to incorporate the Ursuitae Convent of Morrisania.

Adjourned.

ALTA YELA AND MR. SEWARD. NEW YORK, April 4, 1868. TO THE EDITOR OF THE HERALD :-

My attention has been drawn to a letter of Judge Black, addressed to General Gardeid, published in your paper, on the subject of a certain guano island, Alta Vela; and without stopping to notice some of the inaccuracies in Judge Black's statements I want, the imaccuracies in Joage Back's statements I wan, in justice to Mr. Seward, to correct one, namely, that there was an implied promise of protection to me upon certain conditions being fulfilled—permission of St. Domingo, &c., &c. I saw nothing of the kind in Mr. Seward's letter; but, on the contrary, a mild but positive refused to give me any protection in the premises, advising me to seek it of the (whom he considered) rightful owners. I never addressed Mr. Seward again on the subject, feeling that I had my answer, and any letters to him on the subject, referring to his letter to me, or claiming any such inference as Judge Black accredits to me, making it necessary for Mr. Seward to refer to his first letter "as a warning to all persons that they would deal with the subject at their peril," were written by other parties unknown to and quite without my sanction for using said letter. I understood Mr. Seward's position perfectly and acted accordingly by letting the matter drop so far as our government was concerned; and after vainly trying for many months to get the representative of St. Domingo to lay the matter before his government gave the whole matter up, and very shortly after learned, to my great surprise, that that government had given the right to some of their own people to work the grano. I could say more on the subject, but further than this will not trespass; but in justice to Mr. Seward and my own position I cannot say less. in justice to Mr. Seward, to correct one, namely,

#### NEW JERSEY. Hoboken.

A WOMAN COMMITS SUICIDE.-Yesterday morning a woman named Elizabeth Rott was found dead in her bedroom at Lievre's Hotel, corner of Third and River streets. On examination it was found that she had taken an overdose of opium, which she was she had taken an overdose of opium, which she was
in the habit of using for the benefit of her health.
In the bedroom was found a letter, addressed to the
Austrian Consul at New York, committing to him all
her property, to be transmitted to her friends in Austria. The Austrian Consul gave the remains in
charge of Mr. Parslow, and Coroner White will hold
an inquest to-day. In the letter decayed wrote just
before her death she stated that she was tired of this
life and longed eagerly to enjoy rest in another
sphere.

A NEW DODGE FOR BURGLARS.—About eight o'clock last evening a servant girl at the house 324 Bloomfield street heard a noise in one of the bedrooms, and going in made a search but found no person and going in made a search but found no person there. A more thorough search was then made by the immates of the house, when a burly, morose looking fellow, about 28 years old, was found crouching between the mattrasses of the bed. He was hauled out and given in charge to Officer Eckel, to whom he offered a desperate resistance, but received such a stinging low from the cinb that he was reduced to submission. He gave his name as Henry Moller, and it is supposed that he is a member of a gang of thieves, who have adopted this novel plan of carrying out their operations.